



Judicial Pensions Act 1981

1981 CHAPTER 20

PART I **U.K.**

RATE OF PENSION

CHAPTER I **U.K.**

THE HIGHER JUDICIARY

1 Interpretation. **U.K.**

In this Chapter “high judicial office” means any of the offices listed in the first column of the Table below, and “relevant service”, in relation to high judicial office, has the meaning given in the second column of that Table.

TABLE

| <i>Office</i> | <i>Relevant service</i> |
|--|---|
| Lord of Appeal in Ordinary. | Service as a Lord of Appeal in Ordinary or as a judge of the Supreme Court of England and Wales, the Court of Session or the Supreme Court of Northern Ireland. |
| Judge of the Supreme Court of England and Wales, other than the Lord Chancellor. | Service as a Lord of Appeal in Ordinary or as any judge of the Supreme Court of England and Wales. |
| Judge of the Court of Session. | Service as a Lord of Appeal in Ordinary or as any judge of the Court of Session. |

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Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Part I. (See end of Document for details)

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|--|---|
| Judge of the Supreme Court of Northern Ireland | Service as a Lord of Appeal in Ordinary or as any judge of the Supreme Court of Northern Ireland. |
|--|---|

2 Rate of pension. **U.K.**

- (1) A holder of high judicial office on retirement from that office shall be entitled during his life to a pension at the annual rate provided by this section—
 - (a) if he retires after 15 years relevant service or after he has attained the age of 70 years, or
 - (b) if at the time of his retirement he is disabled by permanent infirmity from the performance of the duties of his office.
- (2) The annual rate of the pension payable under this section to a person retiring from any office after 15 or more years relevant service shall be one half of his last annual salary.
- (3) The annual rate of the pension payable under this section to a person retiring from any office after less than 15 years relevant service shall be—
 - (a) if the period of relevant service does not amount to 6 years, one quarter of his last annual salary;
 - (b) if the period amounts to 6 years or more, one quarter of that salary plus 1/40th of that salary for each completed year of service exceeding 5.

Modifications etc. (not altering text)

C1 S. 2(1) applied (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 12(7)

3 Former holder of office other than high judicial office. **U.K.**

- (1) This section applies to a holder of high judicial office who, immediately before his appointment to high judicial office, was the holder of any other of the judicial offices described in Part I of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975, being an office in respect of which pensions are payable in pursuance of this or any other public general Act or under any other enactment, scheme or arrangement approved for the purposes of this section by the Lord Chancellor.
- (2) Where a person to whom this section applies retires from his office having qualified, otherwise than by retirement after attaining the age of 70 years, for a pension under this Chapter then if he so elects—
 - (a) the amount of the pension which may be paid to him under this Chapter shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office until his retirement at the salary then payable to a holder of that office, and
 - (b) any lump sum payable in his case under Part II of this Act shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.
- (3) Where a person to whom this section applies dies while holding his office, and his legal personal representatives so elect, any derivative benefit payable in respect of him under Part II of this Act shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount

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described in subsection (2)(a) above, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.

- (4) An election under this section shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made, and shall be made in writing addressed to [^{F1}the Treasury].

Textual Amendments

F1 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(a)

Marginal Citations

M1 1975 c. 24.

4 Provision against double pensions. U.K.

Not more than one pension shall be paid to the same person under this Chapter, or under this Chapter and the ^{M2}Lord Chancellor's Pension Act 1832.

Marginal Citations

M2 1832 c. 111.

CHAPTER II U.K.

OTHER JUDICIAL OFFICES

5 Circuit judge in England or Wales. U.K.

- (1) A Circuit judge may on the recommendation of the Lord Chancellor be granted a pension—
- (a) if he retires after 15 years service and at the time of his retirement he has attained the age of 65 years, or
 - (b) if he vacates his office in accordance with section 17 of the ^{M3}Courts Act 1971 (age limit and removal on ground of incapacity or misbehaviour), or
 - (c) if the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall be one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service shall be—
- (a) if the period of service does not amount to 5 years, 6/40ths of his last annual salary,
 - (b) if the period of service amounts to 5 years or more, one quarter of that salary plus 1/40th for each completed year of service exceeding 5.

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- (4) If a person to whom a pension has been granted under this section (before he has attained the age of 72) in consequence of any such incapacity as is referred to in subsection (1)(c) above resumes the duty of a Circuit judge, the payment of the pension shall be suspended during the period of his resumed service, but at the end of that period the pension shall again be payable and be recalculated in accordance with subsections (2) and (3) above, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (5) In this section “service” means service as a Circuit judge.
- (6) A pension under this section shall be payable at such intervals, not exceeding three months, as [^{F2}the Treasury] may determine.

Textual Amendments

F2 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 118(4)(a)**

Marginal Citations

M3 [1971 c. 23.](#)

6 Sheriffs in Scotland. **U.K.**

For sheriffs in Scotland pensions shall be payable in accordance with the ^{M4}Sheriffs’ Pensions (Scotland) Act 1961.

Marginal Citations

M4 [1961 c. 42.](#)

7 Stipendiary magistrates in England and Wales. **U.K.**

- (1) A stipendiary magistrate in England or Wales may on the recommendation of the Lord Chancellor be granted a pension if he retires after not less than [^{F3}2 years] service, and—
- (a) at the time of his retirement he has attained the age of 65, or
 - (b) the Lord Chancellor is satisfied by means of a medical certificate that by reason of infirmity of mind or body he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 20 years service shall not exceed one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 20 years service shall not exceed—
- [^{F4}(a) if the period of service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
 - (aa) if the period of service amounts to less than 10 years (but not less than 5), 15/80ths of his last annual salary plus 1/80th for each completed year of service exceeding 5,

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- (b) if the period of service amounts to not less than 10 years (but less than 20), one quarter of that salary plus 2/80ths for each completed year of service after the first 10 years.
- (4) A person to whom a pension is granted under this section on retirement on a medical certificate shall, until he attains the age of 65, be liable to be called upon to fill any public office or situation under the Crown in the United Kingdom for which his previous public services may render him eligible: and if he declines, when called upon to do so, to take upon him such office or situation, or declines or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the pension which has been granted to him.
- (5) Any sums payable on account of a pension under this section shall be paid at such times in each year as [^{F3}the Treasury] may determine.
- (6) In this section “service” means service as a stipendiary magistrate in England or Wales.

Textual Amendments

- F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 83\(1\)\(a\)](#)
- F4** [S. 7\(3\)\(a\)](#) and “(aa)” substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 83\(2\)](#)

8 **Judge Advocate General: choice between civil service scheme and special provision.** **U.K.**

- (1) Section 9 below shall apply to a person holding the office of Judge Advocate General if within 3 months after appointment to that office he gives notice in writing to [^{F5}the Treasury] that he elects that section 9 shall apply to him.
- (2) In the case of a person who holds the office of Judge Advocate General, but to whom section 9 below does not apply, the principal civil service pension scheme shall have effect as if service in that office were employment in the civil service of the State.

Textual Amendments

- F5** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 83\(1\)\(a\)](#)

9 **Judge Advocate General: special provision.** **U.K.**

- (1) A person to whom this section applies may be granted a pension if he retires after not less than [^{F6}2 years] service and at the time of his retirement—
- (a) he has attained the age of 60, or
- (b) he is disabled by a permanent infirmity from performing the functions of his office.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall be one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service (but not less than 5) shall be one quarter of his last annual salary plus 1/40th for each completed year of service exceeding 5.

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[^{F7}(3A) The annual rate of pension payable under this section to a person retiring after less than 5 (but not less than 2) years service shall be 6/80ths of his last annual salary.]

(4) Part III of Schedule 1 to this Act (injury or disease sustained in course of duty) shall have effect—

- (a) as if references to an officer to whom that Schedule applies included references to a person to whom this section applies, and
- (b) as if, in relation to an allowance granted under the said Part III to a person to whom this section applies paragraph 16(1)(a) referred to a pension under this section.

(5) In this section “service” means service as Judge Advocate General.

Textual Amendments

- F6** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 83\(1\)\(b\)](#)
- F7** [S. 9\(3A\)](#) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 83\(3\)](#)

10 President or other member of either Lands Tribunal. **U.K.**

(1) There may be paid to persons who have been members of the Lands Tribunal, or the Lands Tribunal for Scotland, such superannuation allowances as the appropriate Minister may, with the approval of [^{F8}the Treasury], determine.

(2) In this section “the appropriate Minister” means—

- (a) in relation to the Lands Tribunal, the Lord Chancellor,
- (b) in relation to the Lands Tribunal for Scotland, the Secretary of State.

Textual Amendments

- F8** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(2\)](#)

11 President of pensions appeals tribunals. **U.K.**

In the case of any person appointed as president of the pension appeal tribunals established under the ^{M5}Pensions Appeal Tribunals Act 1943—

- (a) the Lord Chancellor may pay such pension, allowances or gratuity to or in respect of him on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as the Lord Chancellor with the approval of [^{F9}the Treasury] may determine, and
- (b) if, on his ceasing to hold office as president of the pensions appeal tribunals, it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive compensation, the Lord Chancellor may, with the approval of [^{F9}the Treasury], pay to him a sum of such amount as the Lord Chancellor may, with the like approval, determine.

Textual Amendments

- F9** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(4\)\(a\)](#)

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Marginal Citations

M5 1943 c. 39.

12 President or chairman of [^{F10}employment tribunals] U.K.

- (1) This section applies to any holder on a full-time basis of any of the following offices established by regulations under [^{F11}section 1(1) of [^{F12}the Employment Tribunals Act 1996]], namely—
 - (a) [^{F13}President of the Employment Tribunals (England and Wales)],
 - (b) [^{F14}President of the Employment Tribunals (Scotland)],
 - (c) member of a panel of chairmen so established,if remunerated, apart from any allowances, on an annual basis.
- (2) A person to whom this section applies may on the recommendation of the Secretary of State be granted a pension—
 - (a) if he retires after 15 years relevant service and at the time of his retirement he has attained the age of 65, or
 - (b) if at the time of his retirement he has attained the age of 72, or
 - (c) if the Secretary of State is satisfied by means of a medical certificate that, at the time of his retirement, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (3) The annual rate of a pension payable under this section to a person retiring after not less than 15 years relevant service shall not exceed one half of his last annual salary.
- (4) The annual rate of a pension payable under this section to a person retiring after less than 15 years relevant service shall not exceed—
 - (a) if the period of relevant service is less than 5 years, 6/40ths of his last annual salary,
 - (b) if the period of relevant service is not less than 5 years (but less than 15 years), one quarter of his last annual salary plus 1/40th for each completed year of relevant service exceeding 5.
- (5) In this section the expression “relevant service” means service on a full-time basis as holder of any of the offices referred to in subsection (1) above (including such service remunerated otherwise than on an annual basis) or service in any such other capacity under the Crown as may be prescribed by regulations made by [^{F15}the Treasury]; and regulations under this subsection shall be made by statutory instrument and—
 - (a) may be made generally or subject to specified exceptions or in relation to specified cases or classes of case,
 - (b) may provide that in calculating relevant service either the whole of a person’s prescribed service of any description shall be taken into account or such part thereof only as may be determined by or under the regulations,
 - (c) may make different provision for different cases or classes of case, and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “last annual salary” means last annual remuneration apart from any allowances.

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Textual Amendments

- F10** Words in sidenote to s. 12 substituted (1.8.1998) by 1998 c. 8, **ss. 1(2)(b)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F11** Words in s. 12(1) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 6** (with s.38)
- F12** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, **ss. 1(2)(c)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F13** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, **ss. 1(2)(d)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F14** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, **ss. 1(2)(e)**, 16(2)(3)(b); S.I. 1998/1658, art.2(1), **Sch. 1**
- F15** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 118(4)(a)**

13 Social Security Commissioner. **U.K.**

- (1) A Social Security Commissioner may on the recommendation of [^{F16}the Lord Chancellor] be granted a pension—
- (a) if he retires after 15 years service and at the time of his retirement he has attained the age of 65, or
 - (b) if at the time of his retirement he has attained the age of 72, or
 - (c) if [^{F16}the Lord Chancellor] is satisfied by means of a medical certificate that at the time of his retirement, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall not exceed one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service shall not exceed—
- (a) if the period of service does not amount to 5 years, 6/40ths of his last annual salary,
 - (b) if the period of service amounts to 5 years or more, one quarter of his last annual salary plus 1/40th for each completed year of service exceeding 5.
- (4) For the purposes of the preceding subsections—
- (a) service as Commissioner which is not remunerated by means of a salary shall be disregarded,
 - (b) [^{F17}the Treasury] may by regulations provide for counting as service as Commissioner pensionable service in any other capacity under the Crown.
- (5) Regulations under subsection (4)(b) above shall be made by statutory instrument.

Textual Amendments

- F16** Words substituted by S.I. 1984/1818, **arts. 2, 3**
- F17** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 118(4)(a)**

Modifications etc. (not altering text)

- C2** S. 13 excluded (E.W.S.) (1.7.1992) by Social Security Administration Act 1992 (c. 5), 41, 43, 50-52, 192(4), Sch. 2 para. 1(6);

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S. 13 excluded (E.W.S.) (at different dates for specified purposes) by 1998 c. 14, s. 14(12), **Sch. 4 para. 4(2)**; S.I. 1999/1958, art. 2, **Sch. 1** (as amended by S.I. 1999/3178, art. 3(20), **Sch. 20**); S.I. 1999/2422, art. 2, **Sch. 1** (subject to transitional provisions in **Sch. 14**)(as amended by S.I. 1999/3178, art. 3(20), **Sch. 20**); S.I. 1999/2739, art. 2, **Sch. 1** (subject to transitional provisions in **Sch. 2**); S.I. 1999/2860, art. 2, **Sch. 1** (subject to transitional provisions in **Schs. 16-18**)(as amended by S.I. 1999/3178, art. 3(20), **Sch. 20**); S.I. 1999/3178, art. 2, **Sch. 1** (subject to transitional provisions in **Schs. 21-23**)

[^{F18}13A Registrar of Criminal Appeals. **U.K.**

There may be paid to persons who have held the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals such superannuation allowances as the Lord Chancellor may, with the approval of the Treasury, determine.]

Textual Amendments

F18 S. 13A inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 78(2)

14 Other judicial offices. **U.K.**

Schedule 1 to this Act shall have effect as respects the pensions and other benefits of certain court officers and of the president of the Transport Tribunal.

[^{F19}14A **U.K.**

- (1) The provisions regulating the pensions which may be received under the preceding sections and schedule 1 of this Act and under the Sheriffs’ Pensions (Scotland) Act 1961 are to take effect subject to the modifications contained in this section.
- (2) In this section—
 - “election” means an election made under subsection (3) of this section;
 - “judicial office” means one of the several offices referred to in sections 1, 5, 6, 7, 8, 10, 11, 12, 13 and 14 of and schedule 1 to this Act;
 - “judicial pension schemes” means the occupational pension schemes constituted by this Act and the Sheriffs’ Pensions (Scotland) Act 1961 to provide personal pensions and derivative benefits to persons in any of the judicial offices and their widows and children, and “judicial pension scheme” and “relevant judicial pension scheme” have corresponding meanings;
 - “the Minister” in relation to judicial office held exclusively in Scotland means the Secretary of State for Scotland and otherwise means the Lord Chancellor;
 - “personal pension scheme” means a scheme in respect of which there is in force a current appropriate scheme certificate issued [^{F20}in accordance with section 7 of the Pension Schemes Act 1993][^{F21}or (in the case of judicial office held in Northern Ireland), in accordance with section 3 of the Pension Schemes (Northern Ireland) Act 1993];
- (3) A person who is eligible for a pension in any judicial office shall while in judicial office
 - (a) be deemed to be a member of the relevant judicial pension scheme except during such time as an election is in force in respect of him; and

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- (b) be entitled at any time to become a member of a personal pension scheme by serving on the Minister a written notice of election identifying the personal pension scheme, to take effect on a date not less than three months after the date when it was served.
- (4) At any time after a person has made an election and while he continues to hold judicial office
- (a) he may make a written application to the Minister requesting admission to membership of the judicial pension scheme relevant to the judicial office which he holds, and
- (b) the Minister may, if satisfied that the applicant is in good health, admit him to the relevant judicial pension scheme on a date not less than three months after the date on which the application was served, and
- (c) upon the date of the applicant's admission to the relevant judicial pension scheme, his election shall cease to be in force.
- (5) An application under subsection (4) above shall supply such evidence relating to his health as the Minister may reasonably require and shall submit to any medical examination reasonably specified by the Minister.
- (6) The Minister shall notify an application under subsection (4) of his decision in writing within three months after the date on which the application was served.
- (7) Subject to the provisions of subsection (4) above, an election shall be irrevocable and an election shall not cease to be in force by reason only of a person becoming the holder of a judicial office different from the one which he held when he made the election.
- (8) An election shall not affect its maker's eligibility for a pension which accrued under any judicial pension scheme before that election came into force.
- (9) While an election remains in force in respect of a person, his service shall not be counted as service or relevant service in computing the pension for which he is eligible under any judicial pension scheme.]

Textual Amendments

F19 S. 14A inserted by S.I. 1988/1417, reg. 3, **Sch. para. 1**

F20 Words in s. 14A(2) substituted (6.4.1997) by 1995 c. 26, s. 151, **Sch. 5 para. 9**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**

F21 Words in s. 14A(2) inserted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 6**; S.R. 1997/192, **art. 2(b)**

Modifications etc. (not altering text)

C3 S. 14A(3) modified (31.3.1995) by 1993 c. 8, s. 13(8)(9)(a) (with s. 1); S.I. 1995/631, **art. 2**

^{F22}15 **U.K.**

Textual Amendments

F22 S. 15 repealed (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 2(1), **Sch.9**; S.I. 1995/631, **art. 2**

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